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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,943	10/26/2001	Darren J. Cepulis	1662-50300 JMH (P99-2534)	3670
23505	7590	12/01/2003	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			BARQADLE, YASIN M	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/014,943

Applicant(s)

CEPULIS, DARREN J.

Examiner

Yasin M Barqadle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 6-7, 12-13 and 26-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-11 and 14-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**R sponse to Amendment**

1. The amendment filed on September 08, 2003 has been fully considered but they are not persuasive.
2. Claims 6-7,12-13, and 26-27 are cancelled.
3. Claims 1-5, 8-11, and 14-25 are pending.

In response to applicant's arguments on pages 7 and 8, that ``because the CPU in Cromer's computer system 12 is not powered on, Cromer naturally does not and cannot use the computer system's CPU to coordinate the transfer of any data to main computer 102''. Examiner would like to draw applicant's attention to col. 10, lines 47-62 where Cromer discloses a LAN subsystem 94 in computer system 12, which is powered by an auxiliary voltage (Aux 107, fig. 5). The LAN subsystem 94 will negotiate for connection by sending and responding to packets sent over cable 100 when system 12 is in any power state (Normal operating, suspended, off etc). This allows the system 12 to negotiate for link regardless of power state. Therefore, system 12 is configured to automatically transmit its identity and capability to a main computer at any power state (normal state, suspended state, off state or during Power on self test). Examiner would also like to point out that there is no enough information in the specification as what is the prior run-time other than saying (e.g., during power on self test) and how it is done.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Cromer et al US (6256732).

As per claim 1, Cromer et al teach a computer system, comprising:

a host (system 12) including a CPU (Fig. 3, 54) coupled to a memory (Fig. 3, 66 and 78), wherein the memory stores host-specific information [Fig. 3 and Col. 2, lines 39-62 and Col. 5,

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lines 10-34]; and

a device (Fig. 5, 94 and Fig. 4) separate from and coupled to said host, said separate device requests the host's CPU to coordinate the transfer of at least a portion of said host-specific information to the separate device prior to run-time [the host automatically transmits its identification and capability information as it receives an active transmit/connection signal Col. 2, lines 52-62; Col. 8, lines 8-64 and Col. 9, lines 1-65. See also col. 10, lines 47-62].

As per claim 2, Cromer et al teach the computer system of claim 1 wherein said memory comprises non-volatile memory [Fig. 3, 66 and Fig.5, 120].

As per claim 3, Cromer et al teach the computer system of claim 2 wherein said memory comprises volatile memory [Fig.3, RAM 62]

As per claim 4, Cromer et al teach the computer system of claim 1 wherein said separate device comprises a subsystem used to remotely control the host [Fig.5 and col. 8, lines 8-64].

As per claim 5, Cromer et al teach the computer system of claim 4 wherein the host specific information includes a signature which identifies the information and said separate device searches for said signature to find said host specific information [Col. 8, lines 8-64 and Col. 9, lines 1-67].

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As per claim 8, Cromer et al teach the computer system of claim 1, wherein said separate device includes a CPU [Col.8, lines 8-64].

As per claim 9, Cromer et al teach the computer system of claim 1 wherein the separate device uploads the host specific information during power on self test of the host [Col.8, lines 22-67 and Col. 9, lines 1-67. see also col. 10, lines 47-62].

As per claim 10, Cromer et al teach the computer system of claim 4 wherein said separate device uses said host specific information to provide management functionality [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 11, Cromer et al teach the computer system of claim 10 wherein the host specific information includes a signature which identifies the information and said separate device searches for said signature to find said host specific information [Col. 9, lines 1-67].

As per claim 14, Cromer et al teach the computer system of claim 10 wherein said separate device includes a CPU [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 15, Cromer et al teach the computer system of claim 10 wherein said separate device operates from an auxiliary power

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source that is available even if the host is off [Fig. 5, 107 and Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 16, Cromer et al teach the computer system of claim 10 wherein the separate device uploads the host specific information during power on self-test of the host [Col. 9, lines 1-67 and Col. 10, lines 1-56].

As per claim 17, Cromer et al teach a logic unit, comprising  
a CPU [Fig. 5, 114 and Col. 8, lines 8-58];  
memory coupled to said CPU [Fig. 5, 120];

wherein said logic unit is adapted to couple to a host computer system and upload host computer information during power on self-test of the host computer system [the host automatically transmits its identification and capability information at any power state (normal state, suspended state, off state or during Power on self test Col. 2, lines 39-62; Col.8, lines 8-67 and Col. 9, lines 1-67. see also col. 10, lines 47-62].

As per claim 18, Cromer et al teach the logic unit of claim 17 wherein said logic unit comprises management logic which manages said host computer system [col. 5, lines 22-44; Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 19, Cromer et al teach the logic unit of claim 18 wherein the host computer specific includes a signature which

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identifies the information and said logic unit searches for said signature to find said host computer specific information [Col.8, lines 8-67 and Col. 9, lines 1-67].

As per claim 20, Cromer et al teach the logic unit of claim 19 wherein the logic unit is configured to request a CPU in the host computer system to coordinate the transfer of the host computer specific information to the logic unit [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 21, Cromer et al teach the logic unit of claim 19 wherein the logic unit uploads the host computer specific information without the involvement of a CPU in the hosts computer system [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 22, Cromer et al teach the logic unit of claim 17 wherein the logic unit uploads the host computer specific information during a power on self test event [Col.8, lines 22-67 and Col. 9, lines 1-67].

As per claim 23, Cromer et al teach the logic unit of claim -17 wherein said logic unit operates from a different power source than the host computer system and, said logic unit can be powered on even if the host computer system is powered off [Fig. 5, 107, Col. 10, lines 47-56].



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As per claim 24, Cromer et al teach a method of operating a logic unit coupled to a host computer, comprising:

searching for host computer specific information [Figs. 6 and 7 shows host specific information and the steps needed to build and upload the data packet. See also Col. 8, lines 22-58 and Col. 9, lines 1-67];

upon finding said information, uploading said information to the logic unit with the involvement of a CPU in the host computer [The LAN subsystem 94 will negotiate for connection by sending and responding to packets sent over cable 100 when system 12 is in any power state (Normal operating, suspended, off etc) Col.8, lines 8-67 and Col. 9, lines 1-67. see also col. 10, lines 47-62]; and

using the information during the operation of the logic unit [Col. 8, lines 42-58 and Col. 9, lines 39-67];

wherein searching and uploading do not occur during run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62].

As per claim 25, Cromer et al teach the method of claim 24 wherein searching and uploading occur prior to run-time [Col. 2, lines 39-62; Col. 8, lines 42-58 and Col. 9, lines 1-67. see also col. 10, lines 11-62].

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**THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Conclusion**

The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 703-305-5971. The examiner can normally be reached on 9:00 AM to 5:30 PM.

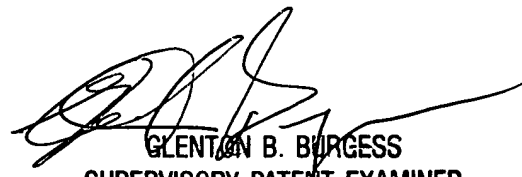
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be

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reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yasin Barqadle



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